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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

In re POLYURETHANE FOAM ANTITRUST LITIGATION))) MDL Docket No. 2196
This document relates to:) Index No. 10-MD-2196 (JZ)
ALL CASES)))
)

STIPULATION AND PROPOSED AMENDED JOINT SCHEDULING ORDER

It is hereby STIPULATED AND AGREED, by and among Direct Purchaser (Class) Plaintiffs, Indirect Purchaser Plaintiffs, and the undersigned Defendants, that the Scheduling Order (Dkt. No. 112) shall be amended so that the following deadlines shall now be in effect¹:

- 1. Subject to further Order of the Court upon reasonable application by one or more of the Parties, all fact discovery shall be completed by **April 15, 2013.**
- Absent good cause shown, motions to compel fact discovery shall not be filed after
 March 14, 2013.
 - 3. The deadline for adding new parties shall be **April 30, 2012.**
- 4. The Parties shall submit a joint proposal regarding page limitations on briefing for class certification motions and responses on or before **August 16, 2012**.
- 5. The direct purchaser and indirect purchaser Plaintiffs shall file their respective motions for class certification and supporting memorandum and disclosures in support of class

 $^{^{1}}$ The Direct Action Plaintiffs are not a party to this stipulation. The Direct Action Plaintiffs have not joined this stipulation. The Direct Action Plaintiffs accept the specific dates included in paragraphs 1-11 of the stipulation. The Direct Action Plaintiffs, however, have advised that they believe paragraph 12 of the stipulation should be replaced with specific post-fact discovery pretrial milestones, which Direct Action Plaintiffs will address in a separate filing with the Court.

certification, and shall serve any expert witness reports and, concurrently, any materials, data or information considered in forming the opinions contained in the reports, on or before **October 23**, **2012**.

- 6. The direct purchaser Plaintiffs' class certification experts and the indirect purchaser Plaintiffs' class certification experts shall be made available for deposition and deposed by **November 21, 2012**.
- 7. Defendants' shall file oppositions to direct purchaser Plaintiffs' and indirect purchaser Plaintiffs' respective motions for class certification, memoranda in opposition to the motions, and disclosures in support of their opposition, and shall serve any expert witness reports and, concurrently, any materials, data or information considered in forming the opinions contained in the reports, on or before **January 14, 2013.**
- 8. Defendants' class certification experts shall be made available for deposition and deposed by **February 7, 2013.**
- 9. Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs shall file their respective replies in support of class certification and shall serve any expert reports and, concurrently, any materials, data and information considered in forming the opinions contained in the rebuttal reports, on or before **March 4, 2013.** Rebuttal experts shall be strictly limited to responding to new matters raised in the reports or in depositions of defendants' experts.
- 10. Direct Purchaser Plaintiffs' and Indirect Purchaser Plaintiffs' respective class certification rebuttal experts shall be made available for deposition and deposed, as to any rebuttal issues and opinion only, by **April 4, 2013.**
- 11. The date or dates for any hearing or hearings on Direct Purchaser Plaintiffs' and Indirect Purchaser Plaintiffs' motions for class certification shall be established by the Court upon completion of the depositions of class experts.

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12. Within 30 calendar days after the Court's ruling on the motions for class certification, the Parties shall provide to the Court a proposed amended Joint Case Schedule regarding discovery of merits experts, the filing of dispositive motions, motions in limine and other final, pre-trial matters.

13. Should any aspect of this Scheduling Order vary from provisions contained in the Local Rules, compliance with such Local Rule(s) is excused.

DATED: March 8, 2012

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JUDGE JACK ZOUHARY
U.S. DISTRICT JUDGE

ENTERED